



Agenda Date: 11/20/02
Agenda Item: IIIA

STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.bpu.state.nj.us

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF COMCAST) **RENEWAL**
CABLEVISION OF NEW JERSEY, INC. FOR A) **CERTIFICATE OF APPROVAL**
RENEWAL CERTIFICATE OF APPROVAL TO)
CONTINUE TO CONSTRUCT, OPERATE AND)
MAINTAIN A CABLE TELEVISION SYSTEM IN AND)
FOR THE TOWNSHIP OF UNION, COUNTY OF)
UNION, STATE OF NEW JERSEY)

DOCKET NO. CE02090632

Stryker, Tams and Dill, Newark, New Jersey, by Dennis C. Linken, Esq., for the Petitioner.

Township Clerk, Township of Union, New Jersey, by Nancy J. Issenman, for the Township.

BY THE BOARD:

On April 28, 1977, the Board granted Suburban Cablevision ("Suburban") a Certificate of Approval in Docket No. 7612C-6242, for the construction, operation and maintenance of a cable television system in the Township of Union ("Township"). On November 16, 1992, the Board approved the renewal of Suburban's Certificate of Approval in Docket No. CE92040503. On November 30, 1994, the Board approved the acquisition of the shares of the parent company of Suburban Cablevision, Maclean Hunter, Inc., by Comcast MH Holdings, Inc. in Docket No. CM94080365. The company is now known as Comcast Cablevision of New Jersey, Inc. ("Petitioner"). Although the Petitioner's above referenced Certificate expired on April 29, 2002, it is authorized to continue to provide cable television service to the Township pursuant to N.J.S.A. 48:5A-25, pending disposition of proceedings regarding the renewal of its Certificate of Approval.

The Petitioner filed an application for the renewal of its municipal consent with the Township on July 26, 2001, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The Township, after public hearing, adopted a municipal ordinance granting renewal consent to the Petitioner on July 23, 2002. On August 6, 2002, the Petitioner formally accepted the terms and conditions of the ordinance, in accordance with N.J.S.A. 48:5A-24.

On September 5, 2002, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Township. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board **HEREBY FINDS** the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Renewal Certificate of Approval. Further, the Township reviewed these qualifications in conjunction with the municipal consent process. See N.J.S.A. 48:5A-22 to 29 and N.J.A.C. 14:18-13.1 et seq.
2. The design and technical specifications of the system will ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is ten years. The Board finds this period to be of reasonable duration.
5. The Township may review the performance of the Petitioner with regard to the ordinance at its discretion. If the Township determines that the Petitioner has failed to substantially comply with the material terms and conditions of the ordinance, the Township shall provide written notice to the Petitioner of such alleged instances of non-compliance and shall grant the Petitioner 90 days to cure such deficiency. The Township may petition the Board for appropriate administrative action, including revocation of the franchise or reduction of the franchise term, only after the 90-day opportunity to cure has passed and the deficiency has not been cured.
6. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates and promptly file any revisions thereto.
7. Pursuant to N.J.S.A. 48:5A-26(b), the ordinance specifies a complaint officer to receive and act upon complaints filed by subscribers in the Township. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.
8. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. Currently, the local office serving this provision is located at 800 Rahway Avenue in the Township of Union, New Jersey.
9. The franchise fee to be paid to the Township is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Township. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
10. The Petitioner shall provide service along any public right-of-way to any person's residence or business located in all areas of the franchise territory at tariffed

rates for standard and non-standard installation. In all other circumstances, the Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate. The minimum homes per mile figure is 35.

11. The Petitioner shall provide public, educational and governmental ("PEG") access channels and facilities in accordance with its renewal application and the ordinance. Specifically, the Petitioner shall continue to provide one dedicated municipal access channel for the use by the Township and its designees with two return lines to be maintained by the Petitioner.
12. Upon 12 months written notice by the Township Committee, the Petitioner shall provide a second dedicated municipal access channel and a dedicated return line from a location of the Township Committee's choice.
13. The Petitioner shall pay to the Township a one-time capital contribution in the amount of \$125,000.00 for the exclusive use for municipal cable access upgrades.
14. In addition to the above, the Petitioner shall maintain one system-wide public access channel. The Petitioner also maintains fully equipped operational local production studios in Union Township and Woodbridge Township for the creation of local and access programming.
15. The Petitioner shall provide the standard installation and basic service to one outlet, free of charge, to: a) each public and private elementary and secondary school; b) the municipal building; c) the police department; d) each fire department; e) each first aid squad; f) each library; g) each senior center; and h) each public works building, that exists or may be built in the Township, provided that the facility is within 200 feet of activated cable distribution plant.
16. Upon reasonable written request of the Township, the Petitioner shall appear at a public hearing of the governing body or before the Township's cable television advisory committee, at least once annually, to review all matters pertaining to the provision of cable service to the residents of the Township and other related issues.

Based upon these findings, the Board **HEREBY CONCLUDES**, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has the municipal consent necessary to support the petition, that such consent and issuance thereof are in conformity with the requirements of N.J.S.A. 48:5A-1 et seq., that the Petitioner has complied or is ready, willing and able to comply with all applicable rules and regulations imposed by or pursuant to State or federal law as preconditions for engaging in the proposed cable television operations, that the Petitioner has sufficient financial and technical capacity, meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment, and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is **HEREBY ISSUED** this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Township.

This Renewal Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein. The Petitioner shall adhere to the standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. §76.1 et seq., including but not limited to, the technical standards 47 C.F.R. §76.601 through §76.630. Any modifications to the provisions thereof shall be incorporated into this Certificate.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire on April 29, 2012.

DATED: November 27, 2002

BOARD OF PUBLIC UTILITIES
BY:

(signed)

JEANNE M. FOX
PRESIDENT

(signed)

FREDERICK F. BUTLER
COMMISSIONER

(signed)

CAROL J MURPHY
COMMISSIONER

(signed)

CONNIE O. HUGHES
COMMISSIONER

(signed)

ATTEST:

JACK ALTER
COMMISSIONER

(signed)

KRISTI IZZO
SECRETARY